

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6104

BILL NUMBER: SB 397

NOTE PREPARED: Jan 6, 2013

BILL AMENDED:

SUBJECT: Restricted Access to Driving Records.

FIRST AUTHOR: Sen. Taylor

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who is convicted of certain traffic violations may petition a sentencing court to restrict access to the person's driving record in the same manner in which the court may restrict access to criminal records.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Summary:* This bill could increase the workload of the BMV to attend court hearings regarding restricting access to an individual's driving record and to restrict access to an individual's driving record after court order.

Additionally, this bill could increase state expenditures for information technology upgrades that would be necessary to restrict access to an individual's driving record. Increases in expenditures are currently unknown.

Additional Information:

This bill may increase the workload of the Bureau of Motor Vehicles (BMV) to the extent staff is required to attend court hearings where individuals have petitioned for restricted access to their driving records. Actual increases are unknown. Additionally, this bill is expected to require the BMV to restrict access to driving records for individuals who successfully petition the court to have certain traffic offenses on their driving records restricted.

The BMV reports the provisions of the bill could increase state expenditures for information technology upgrades that will allow them to restrict access to traffic offense convictions or adjudications on an individual's driving record. Information on the costs of making such information technology upgrades was not made available by the BMV. Once this information is provided, this fiscal note shall be updated.

Explanation of State Revenues: Under the bill, individuals with certain traffic convictions will be allowed to petition courts to restrict access to their driving records. To the extent individuals petition to restrict access to their driving records, state revenue from court fees will increase.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the Judicial Salaries Fee (\$20), Public Defense Administration Fee (\$5), Court Administration Fee (\$5), and the Judicial Insurance Adjustment Fee (\$1) are deposited into the state General Fund. Revenue from the Pro Bono Services Fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the Automated Record Keeping fee (\$5) are deposited into the state User Fee Fund.,

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: This bill is also expected to increase local court caseload to the extent individuals petition for restricted access to their driving records. Actual increases are unknown.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Persons filing a civil case are also be required to pay the following fees that are deposited in local funds: the document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- Service fee (\$10) collected from the filing party for each defendant beyond the first cited in the lawsuit.

State Agencies Affected: BMV.

Local Agencies Affected: Local courts.

Information Sources: Elizabeth Murphy, BMV; Mark Goodrich, BMV.

Fiscal Analyst: Bill Brumbach, 232-9559.